

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature Second Regular Session - 2012

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 525

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO GAME TAGS; AMENDING SECTION 36-409, IDAHO CODE, TO PROVIDE FOR  
FISH AND GAME COMMISSION RULES TO ALLOW EXCEPTION FROM REQUIRED TAG POS-  
SESSION FOR DISABLED HUNTERS UPON CERTAIN CIRCUMSTANCES OCCURRING.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 36-409, Idaho Code, be, and the same is hereby  
amended to read as follows:

36-409. GAME TAGS -- PERMITS -- FEES -- PENALTY. (a) Resident Game  
Tags. A resident who has obtained authorization to hunt, as provided in  
section 36-401, Idaho Code, or has purchased or obtained a license to hunt,  
as provided in section 36-406, Idaho Code, upon payment of the fees provided  
herein shall be eligible to receive a resident game tag to hunt and kill a  
moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion,  
bear, wolf, sandhill crane or turkey in accordance with the laws of this  
state and rules promulgated by the commission; provided further, that any  
person who holds a senior resident combination license or any person who  
holds a junior combination or hunting license or any disabled American vet-  
eran who holds a disabled combination license, may be issued a bear, deer,  
elk, or turkey tag for a fee as specified in section 36-416, Idaho Code;  
provided further, that resident game tags may be issued only to those per-  
sons who meet residency requirements of subsection (s) of section 36-202,  
Idaho Code. In the event an emergency is declared to open a season to protect  
private property as provided in section 36-106(e) 6.(B), Idaho Code, the  
affected landowner or his designee shall be eligible to receive a resident  
deer, elk or antelope tag without charge; provided further, that resident  
game tags may be issued only to persons who qualify as residents pursuant to  
section 36-202, Idaho Code.

(b) Nonresident Game Tags. A nonresident who has purchased a license  
to hunt, as provided in section 36-407(a) or (k), Idaho Code, or has obtained  
a license to hunt, as provided in section 36-406(e), Idaho Code, or a res-  
ident who has purchased or obtained a license or authorization to hunt, as  
provided in section 36-401 or 36-406, Idaho Code, upon payment of the fees  
provided herein, shall be eligible to receive a nonresident tag to hunt and  
kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain  
lion, bear, wolf, sandhill crane or turkey in accordance with the laws of  
this state and rules promulgated by the commission; provided further that  
a nonresident who has purchased a license to hunt, as provided in section  
36-407(k), Idaho Code, shall be eligible to receive a junior mentored deer,  
elk, bear, or turkey tag for a fee as specified in section 36-416, Idaho Code.

(c) Game Tags Required. The appropriate tag must be had for the hunt-  
ing or taking of each and every one of the aforementioned wildlife. The  
commission shall promulgate rules to allow exception from tag possession

1 to take wildlife for a disabled hunter companion who is assisting a hunter  
 2 possessing the appropriate tag and a valid disabled combination license or a  
 3 disabled archery permit or a disabled hunt motor vehicle permit or who is a  
 4 disabled veteran participating in a hunt as provided in section 36-408(7),  
 5 Idaho Code. Provided, however, that the requirements for a wolf tag, a moun-  
 6 tain lion tag or a bear tag, as to different periods of time and areas of the  
 7 state, shall be determined and specified by the commission. Provided fur-  
 8 ther, that the commission may promulgate rules to allow a nonresident deer or  
 9 elk tag to be used to hunt and kill either a bear, wolf or a mountain lion dur-  
 10 ing the open season for deer or elk in that area, unit or zone as may be speci-  
 11 fied by the commission. All of said tags are to bear and have serial numbers.

12 (d) Game Tag to Be Validated and Attached to Carcass. As soon as any  
 13 person kills any wildlife for which a tag is required, said tag, belonging to  
 14 him, must be validated and attached to said wildlife in a manner provided by  
 15 commission rule.

16 (e) Archery Permits. In addition to meeting the license and tag re-  
 17 quirements provided in this chapter, any person participating in any con-  
 18 trolled or general game season which has been specifically designated as an  
 19 archery hunt must have in his possession an archery hunt permit which may be  
 20 purchased for a fee as specified in section 36-416, Idaho Code.

21 (f) Muzzleloader Permit. In addition to meeting the license and tag  
 22 requirements provided in this chapter, any person participating in any con-  
 23 trolled or general game season which has been specifically designated as a  
 24 muzzleloader hunt must have in his possession a muzzleloader permit which  
 25 may be purchased for a fee as specified in section 36-416, Idaho Code.

26 (g) Hound Hunter Permit -- Resident -- Nonresident. Any person using a  
 27 dog for the purpose of hunting or for taking, as defined in section 36-202,  
 28 Idaho Code, big game or furbearing animals must have in his possession a  
 29 valid hound hunter permit which may be purchased by resident and nonresident  
 30 license holders for a fee as specified in section 36-416, Idaho Code.

31 (h) Nonresident Bird of Prey Capture Permit. The commission may, under  
 32 rules as it may prescribe, issue a nonresident bird of prey capture permit.  
 33 This capture permit may be purchased by any licensed, nonresident falconer  
 34 for capturing birds of prey in Idaho. The fee for the permit shall be as spec-  
 35 ified in section 36-416, Idaho Code, and the permit shall be issued under the  
 36 condition that the nonresident's home state allows reciprocal raptor cap-  
 37 turing privileges for Idaho falconers.

38 (i) Wildlife Management Area (WMA) Upland Game Bird Permit. The com-  
 39 mission may, under rules as it may prescribe, issue a wildlife management  
 40 area upland game bird permit that must be purchased by all persons over six-  
 41 teen (16) years of age prior to hunting stocked upland game birds on state  
 42 wildlife management areas designated by the commission. The fee for the per-  
 43 mit shall be as specified in section 36-416, Idaho Code.

44 (j) Bear Baiting Permit. The commission may, under rules as it may pre-  
 45 scribe, issue a bear baiting permit. Any person placing or using bait as may  
 46 be allowed by rule for the purpose of attracting bear must have in his posses-  
 47 sion a valid bear baiting permit which may be purchased by a license holder  
 48 for a fee as specified in section 36-416, Idaho Code.

49 (k) Migratory Bird Harvest Information Program Permit. The commission  
 50 may, as provided by federal laws or regulations and under rules as it may pre-

1 scribe, issue a migratory bird harvest information program permit that must  
2 be purchased by all persons prior to hunting migratory game birds as required  
3 by federal law or regulations. The fee for the permit shall be as specified  
4 in section 36-416, Idaho Code.

5 (l) Dog Field Trial Permit. The commission may, under rules as it may  
6 prescribe, issue a dog field trial permit to any person using birds for dog  
7 field trials or training as may be allowed by rule. The permit may be pur-  
8 chased for a fee as specified in section 36-416, Idaho Code.

9 (m) Idaho Nursing Home Facility Resident Fishing Permit. The commis-  
10 sion may, under rules as it may prescribe, issue an Idaho nursing home facil-  
11 ity resident fishing permit that must be purchased by an Idaho nursing home  
12 facility to allow residents of its facility to fish during the open season.  
13 Facilities eligible to purchase this permit are: intermediate care facili-  
14 ties providing twenty-four (24) hour skilled nursing care, assisted living  
15 facilities providing twenty-four (24) hour extensive assistance and skilled  
16 nursing facilities providing twenty-four (24) hour skilled nursing. By pur-  
17 chasing this permit the facility assumes full responsibility for and con-  
18 trol over the facility residents while using the permit. All laws, rules and  
19 proclamations apply to the use of this permit and it is the responsibility  
20 of the facility to assure compliance with all laws, rules and proclamations.  
21 In case of a violation the facility shall be held accountable and any cita-  
22 tions shall be issued to the facility. The permit may be purchased for a fee  
23 as specified in section 36-416, Idaho Code.

24 (n) Disabled American Veteran Game Tags. Any nonresident disabled  
25 American veteran participating in a hunt in association with a qualified  
26 organization may be issued a bear, deer, elk or turkey tag for a fee as spec-  
27 ified in section 36-416, Idaho Code. "Qualified organization," as used in  
28 association with these tags, shall be as defined in section 36-408(7), Idaho  
29 Code.